



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

COPY

JUL 12 2013

REPLY TO THE ATTENTION OF:

WC-15J

CERTIFIED MAIL 7009 1680 0000 7678 6423
RETURN RECEIPT REQUESTED

RECEIVED

JUL 10 2013

MDEQ UP DISTRICT OFFICE

Mr. Jonathan Cherry
General Manager
Kennecott Eagle Minerals Company
504 Spruce Street
Ishpeming, Michigan 49849

Subject: Information Request under Section 308(a) of the Clean Water Act
33 U.S.C. § 1318(a), Docket No. V-W-13-308-17

Dear Mr. Cherry:

The U. S. Environmental Protection Agency is requiring Kennecott Eagle Minerals Company (KEMC or you) to submit certain information about the facility located at 4547 County Road 601 in Champion, Michigan. The enclosed Information Request specifies the information that you must submit.

EPA is authorized under Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. Accordingly, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, you are directed to provide EPA with the information requested in the enclosure.

Please exercise care to assure that responses are complete and accurate, because Section 309(c)(2) of the Act, 33 U.S.C. § 1319(c)(2), provides for the imposition of criminal penalties for any person that knowingly violates Section 308 of the Act.

In submitting the information required in this request, KEMC shall provide the following certification signed by an official or authorized agent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is,

to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If you have technical questions, please direct them to Jonathan Moody, Water Enforcement and Compliance Assurance Branch, Section 1, at (312) 353-4621. If you have legal questions, please call Nicole Cantello, Office of Regional Counsel, at (312) 886-2870.

We appreciate your cooperation and look forward to your prompt compliance and response to the Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tinka G. Hyde', with a stylized flourish at the end.

Tinka G. Hyde
Director, Water Division

Enclosure

cc: Steve Casey, Michigan DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:)	Docket No. V-W-13-308-17
Kennecott Eagle Minerals Company)	
504 Spruce Street)	Proceeding under
Ishpeming, Michigan 49849)	Section 308(a) of the
)	Clean Water Act, as amended,
Permit No.)	33 U.S.C. § 1318(a)
NPDES No. MI0058649)	
NPDES No. MIS210034)	
NPDES No. MIR111712)	
NPDES No. MIR111690)	

INFORMATION REQUEST

The U.S. Environmental Protection Agency is requiring Kennecott Eagle Minerals Company (KEMC or you) to submit certain information about the facility located at 4547 County Road 601 in Champion, Michigan. Unless otherwise instructed, you must send this information to us within 30 calendar days after you receive this request.

We are issuing this Information Request under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Water Division, Region 5. There can be significant civil or criminal penalties for failing to respond adequately to requests for information issued under CWA Section 308(a).

DEFINITIONS

1. The term "person" as used herein, in the plural as well as singular, shall mean any natural person, firm, contractor, corporation, partnership, trust or governmental entity, unless the context indicates otherwise.
2. "Record", "records", "document" and "documentation" are defined for purposes of this Information Request as any recording of information in any form. It includes, but is not limited to, documents, emails, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer files, computer printouts, and computer databases.
3. "And" and "Or". The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the Information Request inclusive rather than exclusive, and bring within the scope of this Information Request any information which might otherwise be construed to be outside the scope.
4. "Kennecott Eagle Minerals Company" or "you" is defined as Kennecott Eagle Minerals Company or anyone acting on its behalf.

5. "Facility" is defined as the facility owned or operated by you that is located at 4547 County Road 601 Champion, Michigan 49814.
6. "NPDES" shall mean the National Pollution Discharge Elimination System authorized under the Clean Water Act.
7. "Storm Water Pollution Prevention Plan" or "SWPPP" is defined as a requirement of the NPDES permit and details required inspections, annual monitoring and Best Management Practices (BMPs).
8. "Process wastewater" is defined as any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
9. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, seep or container.
10. "Storm water" is defined as storm water runoff, snow melt runoff, and surface runoff and drainage.

INSTRUCTIONS

1. Provide a separate narrative response to each and every request set forth in this Information Request. Precede each answer with the reference (e.g., Request No. _) and the text of that particular request.
2. Any documents relied upon or used by you to answer any of the requests must be copied and submitted to EPA with your response. All documents must contain a notation indicating the reference(s) (e.g., Request No. _) to which they are responsive.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response. Knowingly providing false information in response to this request is actionable under 18 U.S.C. §§ 1001 and 1341.
4. If a request cannot be answered in full, answer to the extent possible along with an explanation of why the request cannot be answered in full. If your responses are qualified in any manner, please explain the reason for the qualification(s).
5. For this Information Request, words used in the singular shall also mean and include the plural and vice versa.

6. A statement of certification as provided in this Information Request must be submitted along with your responses every time a submission is made pursuant to this Information Request.
7. You shall maintain the reports and all records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that maintenance of such records is no longer required.
8. Unless otherwise specified, the Requests for Information cover the entire five-year period immediately preceding the date on which you receive this Information Request.

REQUESTS FOR INFORMATION

1. For each person consulted in preparing your responses to these Requests for Information, provide the full name and title, name of the individual's employer, and business telephone number.
2. Within seven calendar days of KEMC's receipt of this Request for Information, KEMC shall notify EPA, in writing, as to whether KEMC intends to comply with this request.
3. Provide copies of any NPDES permit covering the discharge of water from the Humboldt Tailings Disposal Facility (HTDF) and associated NPDES permit application.
4. Provide copies of any SWPPPs developed and implemented to comply with the requirements of any NPDES permit covering the discharge of water from the HTDF. A complete copy of the SWPPP will include documentation of monthly, quarterly and annual inspections, spill reporting forms and any other required documentation required by the SWPPP.
5. Provide a copy of a line drawing showing generally the route taken by water in the KEMC facility from intake to discharge. Show all operations contributing wastewater, including process and production areas; sanitary flows, cooling water, and storm water runoff. Include a water balance showing average flows. Show all significant losses of water to products, atmosphere, and discharge. Actual measurements should be used whenever available.
6. Provide a copy of a map identifying the features listed below. Provide copies of Geographical Information System (GIS) data if available.
 - a. General topographic features (roads, railroads, buildings, dams, etc.)
 - b. Elevation contours
 - c. Waterways and wetlands
 - d. Extent of the HTDF

- e. All locations where water is discharged from the HTDF (pumps, decants, seeps, etc.)
 - f. All locations where water samples are taken (storm water, wastewater, groundwater, etc.)
 - g. Storm water conveyance structures (culverts, ditches, swales, etc.)
 - h. Extents of product, byproduct, or waste product piles or storage
7. Identify all discharges of water from the HTDF for the previous five year period immediately preceding the date on which you receive this Information Request. Include the location, duration, volume, peak and average flow rates and receiving water of the discharge. Discharges may be from pumps, decants, seeps or other locations where wastewater is released from the HTDF. State whether the discharged water has been in contact with any equipment, finished product, byproduct, or waste product, and provide a list of all potential chemical and biological pollutants contained in those products.
8. For the previous five year period immediately preceding the date on which you receive this Information Request, provide copies of sample analyses for all water discharges from the HTDF.
9. Gather one grab sample from each of the discharges from the HTDF and conduct an analysis of all parameters required as part of the NPDES permitting process. At a minimum this will include all the parameters listed on EPA form 2C, Item V parts A, B and C. This will include all the parameters listed in Part A, all parameters in part B, and the metals, cyanide and total phenols and acid compound parameters from Part C.
10. Beginning on the date on which you receive this Information Request, begin monitoring all discharges of water from the HTDF. KEMC shall submit monthly reports for each month when a discharge occurred. The report shall include the dates of the discharge, the total volume discharged and the peak rate of discharge. When discharging, KEMC shall take grab samples weekly and analyze the samples for the parameters listed below. The samples shall be representative of the discharge and the analysis methods shall be consistent with the methods included in 40 C.F.R. Part 136. The Quantification Levels must be equal to or lower than the limits shown on Table 7 of the Michigan NPDES Permit Application Appendix. This monitoring will continue until KEMC receives notice from EPA to discontinue the monitoring activities.
 - *pH*
 - *Dissolved Oxygen*
 - *Total Suspended Solids*
 - *Ammonia Nitrogen (as N)*
 - *Total Phosphorus*
 - *Total Dissolved Solids*
 - *Total Antimony*

- *Total Arsenic*
- *Total Barium*
- *Total Beryllium*
- *Total Boron*
- *Total Cadmium*
- *Total Chromium*
- *Total Cobalt*
- *Total Copper*
- *Total Fluoride*
- *Total Lead*
- *Total Lithium*
- *Total Manganese*
- *Total Mercury*
- *Total Molybdenum*
- *Total Nickel*
- *Total Selenium*
- *Total Silver*
- *Total Strontium*
- *Total Sulfate*
- *Total Thallium*
- *Total Zinc*
- *Total Cyanide*
- *Total Phenols*

Please submit your responses to this request within the designated time frames to Jonathan moody at moody.jonathan@epa.gov, and send a hard copy to:

U. S. Environmental Protection Agency
 Attention: Jonathan Moody
 Water Enforcement and Compliance Assurance Branch
 Water Division, WC-15J
 77 West Jackson Blvd.
 Chicago, Illinois 60604-3590
 (312)-697-2753

with a courtesy copy to:

Michigan Department of Environmental Quality
 Attention: Steve Casey
 420 5th Street
 Gwinn, Michigan 49841
 (906)-346-8300

You may consider confidential the information that you submit to us. You may assert a claim of business confidentiality for any portion of the submitted information, except effluent data, under 40 C.F.R. Part 2, Subpart B. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

In submitting the information required in this request, KEMC shall provide the following certification signed by an official or authorized agent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

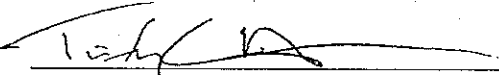
If at any time after submitting the requested information, the signatory determines that any portion of such statement(s) certified as true is false or incorrect, the signatory must notify EPA. Knowingly providing false information in response to this request may be actionable under §309(c)(4) of the Act, and 18 U.S.C. §§ 1001 and 1341.

EPA may use the information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

Please contact Jonathan Moody of my staff at (312) 353-4621 or via email at moody.jonathan@epa.gov, or Nicole Cantello, Office of Regional Counsel, at (312) 886-2870 or via email at cantello.nicole@epa.gov, if you have any questions or would like to confer about this request.

Neither the issuance of this request by EPA nor compliance with this request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Sections 309(b), (c), (d), and/or (g) of the Act, including but not limited to any violations addressed by this request. EPA specifically reserves the right to seek any or all of the remedies specified in Sections 309(b), (c), (d), and/or (g) of the Act.


Tinka G. Hyde
Director, Water Division

7/2/13
Date